MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017 / 2018 SESSION

UIL2712 – ISLAMIC LAW I

(All Sections / Groups)

16 OCTOBER 2017
READING TIME :09:00AM – 09:15AM
(15 MINUTES)
ANSWERING TIME: 09:15AM – 12:15PM
3 HOURS

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.

2. This question paper consists of 3 pages with 5 questions only.

3. Attempt **ALL** questions in **PART A** which are **COMPULSORY**, and **ONE** question in **PART B**. The distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copies of Al Qur'an Translation. Students are not allowed to lend or borrow Al Qur'an Translation during the Examination.

5. Write all your answers in the Answer Booklet provided.

PART A - ANSWER ALL QUESTIONS

QUESTION 1

"The religious authority has the authority to issue, declare and enforce the fatwa for an activity which is regarded as important. However, there are individuals who questioned the fatwa. Among the reason given is that the authorised individual did not understand the procedure and process of the enforcement of fatwa."

An excerpt from the Jurnal Undang-Undang dan Masyarakat 10(2006) 1-19, Prosedur Mengeluar dan Menguatkuasa Fatwa di Semenanjung Malaysia, Hasnan Kasan

Based on the above excerpt, discuss and examine on the appropriate procedure of making fatwa in Malaysia.

[Total: 25 marks]

QUESTION 2

i. This principle is attributed to Imam Malik's view. The principle is used when a lawful means is expected to produce an unlawful result. For the purpose of this principle, the Muslim jurists divide acts into several categories.

Identify the principle described above thereof and give examples.

(12.5 marks)

ii. *"The word 'urf is usually associated with the word ma'ruf (good) in the texts. In this sense, it is what the Shari'ah considers to be good and not what the human reason or the prevalent practices consider to be good. If some of these practices are approved by the Shari'ah, then, they are acceptable to the law".*

Islamic Jurisprudence, Imran Ahsan Khan Nyazee, The Other Press, First published (2000), pg.257

Evaluate the above statement based on the scope of the application of *'urf* in Islamic Jurisprudence.

(12.5 marks)

[Total: 25 marks]

Continued...

QUESTION 3

You have been recently appointed as one of the members in Fatwa Management and Research Centre committee in Malaysia. In one of the meetings, a case has been presented to the committee for an issuance of fatwa relating to problem faced by Muslim community:

Case: on consumption of *shisha* (flavored tobacco smoked in a *hookah* or tobacco pipe, usually mixed with molasses or honey and often fruit pulp or dried fruits).

Based on the above case, identify and discuss the appropriate and correct methodology adopted in Islamic jurisprudence.

[Total: 25 marks]

PART B – CHOOSE ONE (1) QUESTION ONLY

QUESTION 4

Hadith of Mua'z Bin Jabal:
When the Prophet Muhammad send Mu'az ibn Jabal to Yemen (as Judge and Governor), he asked him on what basis he would judge if he was confronted with a problem. Mu'az said that he would judge based on the contents of Al Quran. The Prophet then asked him, "assuming that you do not find it in the Al Quran, on what basis would you judge?" Mu'az replied, he would judge based on Sunnah of the Prophet. The Prophet also asked him, "assuming that you do not find in both the Al Quran and the Sunnah, on what basis would you judge?" Mu'az ibn Jabal replied that he would use his individual opinion without transgressing the boundary (set by the Al Quran and Sunnah).

[Reported in Sunan Abu Dawud and Al Tirmizi]

a) Elaborate in detail the above *Hadith* in relation to *Al Quran* and *Sunnah* being amongst the primary sources of Islamic Law and explain how these sources can complement each other.

(20 marks)

b) It is learned that revelation of verses in *Al Quran* took place gradually over a period of 23 years. Explain the wisdom behind the graduality of its revelation.

(5 marks)

[Total: 25 marks]

Continued...

OR

QUESTION 5

"Other than Al-Quran and Sunnah, Ijma' is also held as one of the primary sources of Islamic Law. Ijma' is a consensus of Juristic opinions of the learned 'Ulama' of the Ummah after the demise of the Prophet Muhammad, the Messenger of Allah"

('Abdur Rahman I. Doi: Shari'ah: The Islamic Law, p.64)

i. Justify the above statement by quoting the relevant authorities, and discuss the importance of *Ijma'* in Islamic Law.

(13 marks)

ii. Analyze the details of the conditions of *Ijma'*.

(12 marks)

[Total: 25 marks]

End of Page